

Debbie Beadle

From: Evan Maxim
Sent: Thursday, September 06, 2012 2:08 PM
To: Debbie Beadle
Subject: FW: isolated wetland discussion

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Public Comment

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: McGraner, Patrick (ECY) [<mailto:patrick.mcgraner@ecy.wa.gov>]
Sent: Thursday, September 06, 2012 1:46 PM
To: Kamuron Gurol; Susan Cezar; Evan Maxim
Cc: Stockdale, Erik (ECY); Tallent, Geoff (ECY); Burcar, Joe (ECY)
Subject: isolated wetland discussion

Dear All,

Per our discussion in the meeting earlier today, this link was included in an earlier communication with the City of Sammamish with regards to the ECA update but as promised, I am including it here again.

<http://www.ecy.wa.gov/biblio/0106020.html> *Focus on Regulating Isolated Wetlands*

The link contains the following statement: While the court did not specifically define the term "isolated," the Corps generally considers isolated wetlands as those without sufficient hydrologic connection with, or location next to, a navigable water (such as a river, lake, or marine water).

Operationally, the Seattle District USACOE makes jurisdictional determinations about wetlands as being either "Waters of the U.S. or isolated" with rigorous application of these standards. Small wetlands, in close proximity or adjacent to rivers, lakes or marine waters routinely are determined to be Waters of the U.S. without need for much serious scrutiny. Those wetlands that have been determined to be isolated by the Corps are generally well away from other water bodies. These wetlands would still be regulated by the state.

Sincerely,

Patrick McGraner
Wetlands Specialist
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Bellevue, WA 98008
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EXHIBIT NO. 197

Environmentally Critical Areas

COMMENT FORM

Name:	Mark Cross
Address/Email:	mcross6616@comcast.net
Topic	Water Quality
Comment:	<p>I am concerned that the code amendments have negative impact on water quality.</p> <p>The P.C. should consider a recommendation to the C.C. to pursue improving water quality in consultation with Ecology & Tribes. Issaquah has done this and has made substantial improvements.</p> <p>If the City, in cooperation with property owners, reduced the amount of animal & human waste in our water bodies, then some of the code flexibility would make more sense.</p>
Do you have any suggestions for improvements to the meetings?	

Date:

9/6/12

EXHIBIT NO.

198

Debbie Beadle

From: Evan Maxim
Sent: Thursday, September 06, 2012 5:05 PM
To: Debbie Beadle
Subject: FW: NPDES analysis
Attachments: risk assesment.pdf

Public Comment

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Greg Krabbe [<mailto:gkrabbe@comcast.net>]
Sent: Thursday, September 06, 2012 5:02 PM
To: Evan Maxim
Subject: RE: NPDES analysis

Evan, here is the summary of our findings on the three Risk Assessment strategies; mapping, NPDES evaluation and Phosphorus runoff modeling. See you tonight.

*Gfk
GFK Consulting Inc.*

From: Evan Maxim [<mailto:emaxim@ci.sammamish.wa.us>]
Sent: Thursday, September 06, 2012 2:07 PM
To: Greg Krabbe
Subject: RE: NPDES analysis

Thanks Greg

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Greg Krabbe [<mailto:gkrabbe@comcast.net>]
Sent: Thursday, September 06, 2012 1:00 PM
To: Evan Maxim
Subject: NPDES analysis

Evan,

EXHIBIT NO. 199

Here is the NPDES analysis data. I will present this tonight, but this will serve as the electronic version for distribution. I will also present a brief summary of the overall map, runoff model and this data tonight, I will forward it too, but these files are quite large.

The spreadsheet is right at the size limit for data that Excel can handle- let me know if you have any problems opening it.

Thanks.

Greg Krabbe
GFK Consulting Inc
425 347 2898

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

GFK Consulting

Land Development Services

September 6, 2012

City of Sammamish Planning Commission and Staff

Erosion Hazard Overlay; risk assessment

All,

As I noted during the last Planning Commission meeting in July, I have completed the three studies that we felt were necessary to adequately assess the risk associated with replacing the no-disturbance designation within the City's Erosion Hazard Overlay:

- Overall mapping of the area within the no-disturbance area.
- Evaluating the effectiveness of contemporary erosion control techniques using the DOE's NPDES permitting and monitoring data.
- Using actual measured phosphorus transport from sites in Western Washington to estimate likely phosphorus transport into Lake Sammamish from sites with compromised erosion control measures.

Mapping

Mapping of the no-disturbance area within the Erosion Hazard overlay yielded the following:

Of the 65,000 acres of land tributary to Lake Sammamish, 2,290 acres fall within the Erosion Hazard Overlay designated as SO-190. Of these, 618 acres are free from critical areas, steep slopes, and protected open space designations and would be candidate for development. Approximately 310 acres or 0.48% of the total basin tributary to Lake Sammamish would fall into the no-disturbance designation due to slope and soil type.

Of this total area, only 4 or 5 parcels not encumbered by protected open space designations are over 15 acres in size. The majority of the land in this area is comprised of parcels below 5 acres.

The observations lead us to two conclusions:

- Land within the no-disturbance designation is parceled such that there will be structural limitations on the volume of land available for development at any time making the development of over 40 acres in a single season very unlikely.

- The area currently excluded from development buy the no- disturbance designation is such a small % of the tributary area of Lake Sammamish that negative impacts to the lake resulting from the incremental development of these properties is very small.

Effectiveness of Erosion Control

Our analysis of the DOE's NPDES permitting and monitoring data is attached to this letter. In short, we have concluded the following:

- Current erosion control practices are very effective at controlling and limiting sediment transport off of construction sites during rainfall events; approximately 1 day out of 600 days during the summer months would experience an erosion control failure. In other terms- 1 project out of 7 would have an erosion issue through the course of a summer.
- Seasonal rainfall variations have a significant affect on erosion control failures and strict seasonal construction limitations are a powerful tool to limit sediment transport from construction sites.

Estimated Phosphorus transport

The phosphorus transport modeling was done By Rob Zisette with Herrera Environmental Inc. His August 3rd memo is attached and shows projected Phosphorus loading from both a 5 and 25 acre sites during a 2, 10, 25 and 100 year rainfall events. Even in the worst case, phosphorus loading is estimated at 0.06% of the total phosphorus loading for Lake Sammamish and would not pose a significant threat to the lakes water quality.

Combined, these findings demonstrate just how small the resulting risk to Lake Sammamish would be if the no-disturbance designation was replaced within the City's critical areas code.

Materials resulting from these studies have been delivered electronically to Evan Maxim with the City of Sammamish.

Please contact me if you have any questions, 425 347 2898.

Sincerely



Greg Krabbe, PE
President

Testimony to 9/6/2012 Planning Commission meeting
From: Reid Brockway
Subject: Content of Evaluation Forms

EXHIBIT NO. 200

The bottom line of what I'm about to say is that the current content of the evaluation forms, at least for the issues I am intimately familiar with, reflects a bias and a lack of scientific basis. Consequently they should be taken with a grain of salt.

There are three recommendations of mine on the Major list. I've read the evaluation forms for others, but I'll focus on those three. Two of them (2-10 and 2-11) are claimed to have large negative environmental and implementation effects and small positive human effects. The other (2-12) is claimed to have a large negative environmental effect, small negative implementation effect, and neutral human effect. And the relevant AMEC so-called Best Available Science Report claims they are not supported by BAS.

I strongly disagree with this assessment. It reflects a strong bias for environmentalism over the protection of human interests. It discounts the severity of the problems these recommendations are intended to solve. And it fails to seriously consider the science that really pertains to these issues.

For example, buffer delineation is a viable concept that has been applied by other jurisdictions. It provides a solution to the problem of overly simplistic and overreaching environmental constraints that place an undue burden on residents and property owners.

Take a small watercourse that sometimes is dry and sometimes carries a trickle that eventually runs into Lake Sammamish. Our code currently classifies that as a Type F stream. That creates a 330 ft swath of restricted land use around it, even where it passes thru fully developed neighborhoods. The code says a resident cannot, for example, plant a non-native species like an ornamental shrub within 150 feet of that minor watercourse without getting a state or federal permit. That's the kind of absurdity that is built into our current regulations, and it needs to be fixed.

Certainly, maintaining such severe regulations can have some limited environmental benefit under some circumstances, but the cost in terms of human impact far outweighs that.

The three problems with the current code that I have addressed in my recommendations are:

- one-size-fits-all buffers
- crude distinctions between watercourse types, and
- blanket treatment of developed and undeveloped land

Buffer delineation actually provides a viable solution to all three of these problems. But if your firm is in the business of environmental protection, as AMEC obviously is, and you hold to the notion that fixed-width buffers are the answer, and the bigger the better, then of course you are going to assert that buffer delineation is not supported by BAS. But that does not make it

so. Buffer delineation is an approach that has been used successfully by other jurisdictions. It preserves environmental protection where it is needed and avoids imposing restrictions where there is negligible or no environmental benefit. I can refer you to an environmental firm that has done it and can vouch for it's viability. The characterization of this in the evaluation form is flat wrong. Done right, the environmental effect of the changes I propose is neutral, the implementation effect is maybe a slight negative, but the human effect is a major positive.

The current code may be simpler to enforce than more insightful regulations, but it is extreme and far from satisfactory. It creates a number of significant problems that need to be fixed, whether members of city Staff or their allies in AMEC think so or not. And the time to do it is now, not maybe seven years from now.

We, the public, are counting on you Commissioners to bring reason into this process. If the Commission accepts the current portrayed in the evaluation forms and BAS reports as fact, that isn't going to happen. Please refer back to the original testimony, question the Staff and consultant assertions, and engage us in dialogue at some point. That will help make this process fair and effective.
